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Attorneys for The Highland Funds

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE COMPANY,
Debtor.

In re:
USA CAPITAL REALTY ADVISORS, LLC,
Debtor.

In re:
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
Debtor.

In re:
USA CAPITAL FIRST TRUST DEED FUND, LLC,
Debtor.

In re:
USA SECURITIES, LLC,
Debtor.

Case No. BK-S-06-10725 LBR
Case No. BK-S-06-10726 LBR
Case No. BK-S-06-10727 LBR
Case No. BK-S-06-10728 LBR
Case No. BK-S-06-10729 LBR

Chapter 11

Jointly Administered Under
Case No. BK-S-06-10725-LBR

Date: October 19, 2006

Time: 9:30 a.m.

Place: Courtroom #1

**DECLARATION OF
MICHAEL P. AIGEN**

1 STATE OF TEXAS §
2 §
3 COUNTY OF DALLAS §

4 Before me, the undersigned authority, personally appeared Michael P. Aigen, who
5
6 deposed and stated as follows:

7 1. My name is Michael P. Aigen. I am over twenty-one (21) years of age and am
8 fully competent and authorized to execute this Declaration. I am an attorney for the Highland
9 Funds in the above-captioned action. The matters stated herein are true and correct and within
10 my personal knowledge.

11 2. Attached hereto as Exhibit A is a true and correct copy of excerpts of the
12 Deposition Transcript of Joseph Milanowski.

13 3. Attached hereto as Exhibit B is a true and correct copy of excerpts of the
14 Deposition Transcript of Thomas Hantges.

15 4. Attached hereto as Exhibit C is a true and correct copy of excerpts of the
16 Deposition Transcript of Thomas Rondeau.

17 5. Attached hereto as Exhibit D is a true and correct copy of excerpts of the
18 Transcript of Proceedings, dated April 30, 2002, in Case No. 01-2458 in the United States
19 Bankruptcy Court for the District of Delaware.

20 6. Attached hereto as Exhibit E is a true and correct copy of excerpts of the
21 Transcript of Proceedings, dated May 21, 2002, in Case No. 01-2458 in the United States
22 Bankruptcy Court for the District of Delaware.

23 7. Attached hereto as Exhibit F is a true and correct copy of an August 7, 2000 letter
24 from John Rogers Burk to Tom Rondeau.

25 8. Attached hereto as Exhibit G is a true and correct copy of the June 26, 2000 Loan
26 Agreement.
27
28

1 9. Attached hereto as Exhibit H is a true and correct copy of the June 26, 2000
2 Promissory Note.

3 10. Attached hereto as Exhibit I is a true and correct copy of the June 26, 2000
4 Leasehold Deed of Trust, Assignment of Rents, Security Agreement and Fixtures Filing.

5 11. Attached hereto as Exhibit J is a true and correct copy of a July 18, 2000 letter
6 from John Rogers Burk to Tom Rondeau.

7 12. Attached hereto as Exhibit K is a true and correct of the Trust Deed Fund's
8 Motion for Summary Judgment.

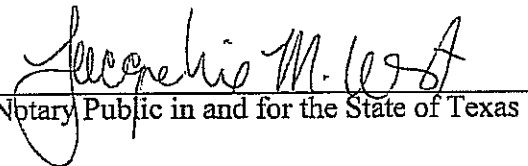
9 13. Attached hereto as Exhibit L is a true and correct copy of the April 5, 2005
10 Nevada State Court Order.

11 14. Attached hereto as Exhibit M is a true and correct copy of the September 1, 2004
12 Order denying John Rogers Burk's Motion.

13
14
15 This concludes my affidavit testimony.

16
17 
MICHAEL P. AIGEN

18
19
20 SUBSCRIBED AND SWORN TO before me, the undersigned notary public, on this
21 2nd day of October, 2006, to certify which witness my hand and seal of office.

22
23 
24 Notary Public in and for the State of Texas

